

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 C.F.R. §1.53(b)  
Attorney Docket: 056209.52219C1



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Mail Stop PATENT APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request for filing a X continuation or \_\_\_ divisional application under 37 C.F.R. 1.53(b), of pending prior application:

Serial No. 10/390,771

Filed on March 19, 2003

Of Shiro Yamaoka et al.

Entitled: Control Apparatus And Control Method For Multi-Cylinder Engine

Examiner: Andrew Dollinar

Group: 3747

- X 1. Accompanying this order is a new specification that does not contain any subject matter that would have been new matter in the prior application.  
Total pages of specification, claims and abstract: 46
- X 2. New Formal drawings are being filed herewith consisting of 7 sheet(s), depicting Figures 1-10.
- X 3. Declaration and Power of Attorney:
- a. \_\_\_ Newly executed (original or copy)
- b. X Copy from prior application
- i. \_\_\_ Deletion of Inventors - signed statement attached deleting inventor(s) named in the prior application
- X 4. Incorporation by Reference:
- The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 3b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

5. Small entity status:
- a.      A small entity statement is enclosed
- b.      A statement of small entity status (copy attached) was filed on      in the prior application and status as a small entity is still proper and desired.
- c.      Is no longer claimed
- X 6. The filing fee is calculated below:

**CLAIMS AS FILED, INCLUDING ANY CLAIMS  
CANCELLED OR ADDED BY PRELIMINARY AMENDMENT**

|              |                                  |   |               |   |              |                  |
|--------------|----------------------------------|---|---------------|---|--------------|------------------|
| Basic Fee    |                                  |   |               |   | <u>\$385</u> | <u>\$770</u>     |
| Total Claims | <u>2</u>                         | - | 20 = <u>0</u> | x | 9 = \$       | 18 = \$ 00.00    |
| Ind. Claims  | <u>1</u>                         | - | 3 = <u>0</u>  | x | 43 = \$      | 86 = \$ 00.00    |
|              | <u>Multiple Dependent Claims</u> |   |               | + | 145 = \$     | 290 = \$         |
|              | Total                            |   |               |   | <u>\$</u>    | <u>\$ 770.00</u> |

7. Please charge my Deposit Account No. 05-1323 (Docket #     ) in the amount of \$     .
- X 8. A check in the amount of \$ 770.00 to cover the filing fee is enclosed.
- X 9. The Commissioner is authorized to charge any fee which may be required under 37 CFR 1.16 or 37 CFR 1.17 or credit any overpayment to Deposit Account No. 05-1323 (Docket #056209.52219C1).
- X 10. Amend the specification by inserting before the first line the sentence: --This application is a continuation of application Serial No. 10/390,771, filed March 19, 2003.--
- X 11. Priority of Appln. No(s). 2002-270634, filed in Japan on September 17, 2002, is hereby claimed under 35 U.S.C. 119.
- X 12. A certified copy of each said priority document was filed in application Serial No. 10/390,771 on March 19, 2003.
- X 13. The prior application is assigned of record to Hitachi, Ltd..
- X 14. The power of attorney in the prior application is to:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; and Jeffrey D. Sanok, Reg. No. 32,169.

- ☒ a. The power appears in the original application papers in the prior application.
- ☐ b. Since the power does not appear in the original application papers, a copy of the power in the prior application is enclosed.
- ☐ c. Attached is a duplicate of a Supplemental Declaration which was filed in the prior application to overcome informalities.
- ☒ d. Address all future correspondence to:

CROWELL & MORING, LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300

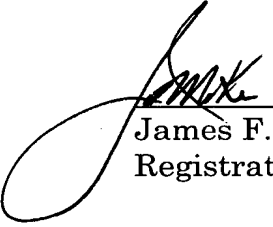
Customer No.

23911

- ☐ 15. Copies of Forms PTO-892 and PTO-1449 listing prior art made of record in the prior application are attached. A copy of each of the listed references should be available in the prior application file.
- ☒ 16. Return Receipt Postcard.
- ☐ 17. Other: ☐

Respectfully submitted,

April 22, 2004

  
James F. McKeown  
Registration No. 25,406

CROWELL & MORING, LLP  
P.O. Box 14300  
Washington, D.C. 20044-4300  
Tel: (202) 624-2500  
Fax: (202) 628-8844

JFM/lvb  
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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 770

## Complete if Known

Application Number To Be Assigned  
 Filing Date April 22, 2004  
 First Named Inventor Shiro YAMAOKA  
 Examiner Name Andrew Dollinar  
 Art Unit 3747  
 Attorney Docket No. 056209.52219C1

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit Account Number 05-1323  
 Deposit Account Name Crowell & Moring LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Charge any deficiency or credit any overpayments to the deposit account of the undersigned. Attorney Docket No. 056209.52219C1
☐ Charge any additional fee(s) during the pendency of this application.☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity | Small Entity | Fee | Code | Fee Description        | Fee Paid |
|--------------|--------------|-----|------|------------------------|----------|
| 1001         | 2001         | 770 | 385  | Utility filing fee     | 770      |
| 1002         | 2002         | 340 | 170  | Design filing fee      |          |
| 1003         | 2003         | 530 | 265  | Plant filing fee       |          |
| 1004         | 2004         | 770 | 385  | Reissue filing fee     |          |
| 1005         | 2005         | 160 | 80   | Provisional filing fee |          |
| SUBTOTAL (1) |              |     |      |                        | 770      |

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims       | Extra Claims | Fee from below | Fee Paid     |
|--------------------|--------------|----------------|--------------|
| 2                  | -20** = 0    | x 18           | = 00.00      |
| Indep. Claims      | 1            | -3** = 0       | x 86 = 00.00 |
| Multiple Dependent |              |                | =            |

| Large Entity          | Small Entity | Fee | Code | Fee Description  |
|-----------------------|--------------|-----|------|--|
| 1202                  | 2202         | 18  | 9    | Claims in excess of 20                                     |
| 1201                  | 2201         | 86  | 43   | Independent claims in excess of 3                          |
| 1203                  | 2203         | 290 | 145  | Multiple dependent claim, if not paid                      |
| 1204                  | 2204         | 86  | 43   | ** Reissue independent claims over original patent         |
| 1205                  | 2205         | 18  | 9    | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) \$ 00.00 |              |     |      |  |

\*\*or number previously paid, if greater; For Reissues, see above.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Description  |
|--------------|--------------|----------|----------|--|
| 1051         | 2051         | 130      | 65       | Surcharge - late filing fee or oath  |
| 1052         | 2052         | 50       | 25       | Surcharge - late provisional filing fee or cover sheet                     |
| 1053         | 2053         | 130      | 130      | Non-English specification  |
| 1812         | 2520         | 1812     | 2,520    | For filing a request for ex parte reexamination                            |
| 1804         | 920*         | 1804     | 920*     | Requesting publication of SIR prior to Examination action                  |
| 1805         | 1,840*       | 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        |
| 1251         | 2251         | 110      | 55       | Extension for reply within first month                                     |
| 1252         | 2252         | 420      | 210      | Extension for reply within second month                                    |
| 1253         | 2253         | 950      | 475      | Extension for reply within third month                                     |
| 1254         | 2254         | 1,480    | 740      | Extension for reply within fourth month                                    |
| 1255         | 2255         | 2,010    | 1,005    | Extension for reply within fifth month                                     |
| 1401         | 2401         | 330      | 165      | Notice of Appeal   |
| 1402         | 2402         | 330      | 165      | Filing a brief in support of an appeal                                     |
| 1403         | 2403         | 290      | 145      | Request for oral hearing   |
| 1451         | 2451         | 1,510    | 1,510    | Petition to institute a public use proceeding                              |
| 1452         | 2452         | 110      | 55       | Petition to revive - unavoidable   |
| 1453         | 2453         | 1,330    | 665      | Petition to revive - unintentional   |
| 1501         | 2501         | 1,330    | 665      | Utility issue fee (or reissue)   |
| 1502         | 2502         | 480      | 240      | Design issue fee   |
| 1503         | 2503         | 640      | 320      | Plant issue fee  |
| 1406         | 2406         | 130      | 130      | Petitions to the Commissioner  |
| 1807         | 2807         | 50       | 50       | Processing fee under 37 CFR 1.17(q)  |
| 1806         | 2806         | 180      | 180      | Submission of Information Disclosure Stmt                                  |
| 8021         | 8021         | 40       | 40       | Recording each patent assignment per property (times number of properties) |
| 1809         | 2809         | 770      | 385      | Filing a submission after final rejection (37 CFR § 1.129(a))              |
| 1810         | 2810         | 770      | 385      | For each additional invention to be examined (37 CFR § 1.129(b))           |
| 1801         | 2801         | 770      | 385      | Request for Continued Examination (RCE)                                    |
| 1802         | 2802         | 900      | 900      | Request for expedited examination of a design application                  |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type) James F. McKeown Registration No. (Attorney/Agent) 25,406 Telephone 202-624-2500  
 Signature [Signature] Date 04/22/2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.